

## REMARKS

### *Status of the Claims*

Claims 1-21 are pending with Claims 1 and 14 being independent. Claims 1 and 10 have been amended. Claims 14-21 have been added. Support for the claim changes can be found in the original disclosure, for example in Figures 3 and 4 and the corresponding text in the specification, and therefore no new matter has been added. In addition, support for Claims 14-16 is found at least in paragraphs [0030] through [0032] and Figure 4, support for Claims 17 and 18 is found at least in paragraph [0029], support for Claim 19 is found at least in paragraphs [0023] and [0024] and Figure 1, and support for Claims 20 and 21 is found at least in paragraph [0032] and Figure 4.

### *Requested Action*

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

### *Request to Confirm Non-Finality of Office Action*

The cover page of the Office Action identifies this Office Action as a non-final action, but page 8 identifies the Office Action as a final Office Action. Because of this contradiction, Applicants checked the PAIR system to determine how this Office Action is being classified by the Patent Office and the undersigned telephoned the Examiner. As a result of inspecting the electronic image file wrapper, Applicants found that the PAIR system identifies this action as a non-final action and in the September 24, 2008 telephone conversation with the Examiner, the

Examiner agreed with this assessment. Accordingly, Applicants respectfully request that the Examiner clarify on the record that the August 20, 2008 Office Action is a non-final action.

### *Rejection*

Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,216,952 (Mou) in view of U.S. Patent No. 5,844,730 (Aikawa et al.).

### *Response to Rejection*

In response, while not conceding the propriety of the rejection, independent Claim 1 has been amended. Applicants submit that as amended, Claim 1 is allowable for the following reasons.

Claim 1 relates to an image reading apparatus for reading an image of a document, comprising an image reading unit configured to read the image of the document, an illuminating unit configured to illuminate the document, a plurality of mirrors configured to reflect light from the document, and a housing configured to support the plurality of mirrors, the housing including a mirror supporting part. Claim 1 also recites that at least one of the plurality of mirrors comprises two contact portions.

Claim 1 has been amended to recite a non-mirror surface. Claim 1 has also been amended to recite a curved reflecting mirror surface, opposite from the non-mirror surface. Claim 1 has been further amended to recite that the two contact portions are disposed on a side of the mirror on which the curved reflecting mirror surface is provided and contact the mirror supporting part of the housing. In addition, Claim 1 has been amended to recite that the two contact portions are configured and positioned to determine the position of the curved reflecting

surface in a direction normal to the surface thereof when the two contact portions contact the mirror supporting part of the housing.

In contrast, the citations to Mou and Aikawa et al. are not understood to disclose or suggest that two contact portions of a mirror a) are disposed on a side of the mirror on which the curved reflecting mirror surface is provided opposite from the non-mirror surface of the mirror, b) contact a mirror supporting part of a housing supporting the mirror, and c) are configured and positioned to determine the position of the curved reflecting surface in a direction normal to the surface thereof when the two contact portions contact the mirror supporting part of the housing, as recited by amended Claim 1.

Rather, Figure 10 of the Aikawa et al. patent is understood to show mirrors 73a-73d that are adhered or screwed onto the curved surface 75a of the base plate 75. But the positions of such screws are not understood to be described or shown. And since the base plate 75 is understood to contact only the sides and backs of the mirrors 73a-73d as shown in Figure 10, this patent is not understood to show contact portions disposed on a side of the mirror on which the curved reflecting mirror surface is provided, opposite from the non-mirror surface, and contacting a mirror supporting part of a housing, as recited by amended Claim 1. In other words, amended Claim 1 recites contact between contact portions of the curved reflecting mirror surface of the mirror and its support, while Figure 10 of the Aikawa et al. patent is understood to show contact between the rear of the mirror and its support (base plate 75). In addition, the citation to Mou also is not understood to show these features of amended Claim 1.

Since amended Claim 1 recites at least one feature not disclosed or suggested by the citations to Mou and Aikawa et al., the Office has not yet satisfied its burden of proof to establish

a prima facie case of obviousness against amended Claim 1. Therefore, Applicants respectfully request that the rejection of amended Claim 1 be withdrawn.

Independent Claim 14 relates an image reading apparatus for reading an image of a document, comprising an image reading unit configured to read the image of the document, an illuminating unit configured to illuminate the document, a mirror configured to reflect and guide light from the document to the image reading unit, the mirror including a curved reflecting mirror surface, and a housing configured to support the mirror, the housing including a concave portion. The mirror comprises a projecting part being disposed at a position corresponding to a reference axis of the curved reflecting mirror surface. The projecting part of the mirror is inserted in the concave portion of the housing.

In contrast, the citations to Mou and Aikawa et al. are not understood to disclose or suggest a mirror comprising a projecting part being disposed at a position corresponding to a reference axis of a curved reflecting mirror surface of the mirror, the projecting part being inserted in a concave portion of a housing configured to support the mirror, as recited by Claim 14. Therefore, Applicants submit that Claim 14 is allowable over the citations to Mou and Aikawa et al.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

*Conclusion*

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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